

81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 2351

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## IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JUNE 2), 1949

Mr. JOHNSTON of South Carolina (by request) introduced the following bill;  
which was read twice and referred to the Committee on Post Office and  
Civil Service

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## A BILL

To simplify and consolidate the laws relating to the receipt of  
compensation from dual employments under the United  
States, and for other purposes.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That unless otherwise specifically authorized by law, any  
4     person receiving compensation from any office or position,  
5     appointive or elective, under the United States or any  
6     department or agency thereof, including Government-owned  
7     or controlled corporations, or under the government of the  
8     District of Columbia, shall not be eligible to receive com-  
9     pensation from any other such office or position except to  
10    such extent as will not cause the combined amounts actually

1 received for any period of time to exceed the rate of \$5,000  
2 per annum: *Provided*, That when the compensation of either  
3 office or position amounts to or exceeds the rate of \$5,000  
4 per annum such person shall be eligible to receive the com-  
5 pensation of either office or position, as he may elect.

6 SEC. 2. For the purpose of this Act, an hourly rate,  
7 other than an hourly rate which is paid as a proportionate  
8 part of an annual rate, shall be multiplied by two thousand  
9 eighty to obtain an equivalent annual rate for the position;  
10 and a daily rate, other than a daily rate which is paid as a  
11 proportionate part of an annual rate, shall be multiplied  
12 by two hundred sixty to obtain an equivalent annual rate  
13 for the position.

14 SEC. 3. As used in this Act, the phrase "compensation  
15 from any office or position" shall be construed to include  
16 any basic salary, wages, or other emolument, including per-  
17 manent additions such as statutory pay increases, but ex-  
18 cluding any temporary additions such as overtime pay or  
19 night differential, for or on account of service as a civilian  
20 officer or employee of the United States, or any department  
21 or agency thereof, including Government-owned or controlled  
22 corporations, or of the government of the District of Co-  
23 lumbia, and retired pay on account of services as a com-  
24 missioned officer in any of the services specified in the Pay  
25 Readjustment Act of 1942 (U. S. C., title 3, sec. 101 and

1 the following), but nothing in this Act shall be construed  
2 to apply to retired pay of enlisted men or warrant officers  
3 of such ~~service retired~~ for any cause, nor to retired pay of  
4 Regular, Reserve, or temporary commissioned officers retired  
5 for disability incurred in combat with an enemy of the United  
6 States or for disabilities resulting from an explosion of an  
7 instrumentality of war in line of duty during an enlistment  
8 or employment as provided in Veterans Regulation Num-  
9 bered 1 (a), part I, paragraph I.

10 SEC. 4. The provisions of this Act may be suspended  
11 by order of the President during any period of national  
12 emergency when in his opinion the public interest would be  
13 served by making the services of Federal officers and em-  
14 ployees available for additional duty.

15 SEC. 5. (a) All laws or parts of laws inconsistent with  
16 the provisions of this Act are hereby repealed, and such  
17 repeal shall include but shall not be limited to the following  
18 Acts and parts of Acts:

19 (1) Section 2 of the Act of July 31, 1894 (28 Stat.  
20 205, as amended by the Act of May 31, 1924, 43 Stat.  
21 245); section 6 of the Act of July 30, 1937 (50 Stat. 549);  
22 and the Act of June 25, 1938 (52 Stat. 1194), relative to  
23 the holding of two offices (U. S. C., title 5, sec. 62).

24 (2) Section 6 of the Act of May 10, 1916 (39 Stat.  
25 120), as amended by the Act of August 29, 1916 (39 Stat.

1 582), relative to double salaries (U. S. C., title 5, secs. 58  
2 and 59).

3 (3) Section 212 of the Act of June 30, 1932 (47  
4 Stat. 406), as amended by section 3 of the Act of July  
5 15, 1940 (54 Stat. 761), relative to limitation of retired  
6 pay received for commissioned service when combined with  
7 civilian salary (U. S. C., title 5, sec. 59a).

8 (4) Revised Statutes, section 1763, relative to the  
9 receiving of compensation from more than one office.

10 (5) Revised Statutes, section 1764, relative to addi-  
11 tional compensation for extra services (U. S. C., title 5,  
12 sec. 69).

13 (6) Revised Statutes, section 1765, relative to addi-  
14 tional compensation to any person whose salary is fixed  
15 by law or regulation (U. S. C., title 5, sec. 70).

16 (7) Section 7 of the Act of June 3, 1896 (29 Stat.  
17 235), relative to retired officers of the Army and Navy  
18 employed on river and harbor improvements (U. S. C.,  
19 title 5, sec. 63).

20 (8) Section 9 of the Act of October 6, 1917 (40 Stat.  
21 384), relative to teachers in the public schools of the District  
22 of Columbia who are also employed as teachers of night  
23 schools and vacation schools (U. S. C., title 5, sec. 61).

24 (9) Act of July 8, 1918, section 1 (40 Stat. 823), last  
25 paragraph under the heading "Public Schools", relative to

1 employees of the community center department of the public  
2 schools of the District of Columbia (U. S. C., title 5, sec. 61).

3 (10) Act of June 25, 1920, section 1 (41 Stat. 1017),  
4 ninth paragraph under the heading "Public Schools", rela-  
5 tive to employees of the school garden department of the  
6 public schools of the District of Columbia (U. S. C., title  
7 5, sec. 61).

8 (11) Act of February 17, 1922 (42 Stat. 373), the  
9 proviso to paragraph heading "Bureau of the Budget", rela-  
10 tive to retired officers of the Army, Navy, Marine Corps,  
11 or Coast Guard, appointed to offices in the Bureau of the  
12 Budget (U. S. C., title 5, sec. 64).

13 (12) Section 6 of the Act of March 3, 1925 (43 Stat.  
14 1108), relative to employees of the Library of Congress  
15 receiving additional compensation from trust funds (U. S. C.,  
16 title 5, sec. 60).

17 (13) Section 1 of the Act of March 1, 1929 (45 Stat.  
18 1441), as amended by the Act of June 11, 1942 (56 Stat.  
19 358, Public Law 605, Seventy-seventh Congress), and the  
20 Act of December 23, 1944 (58 Stat. 922, Public Law 555,  
21 Seventy-eighth Congress), relative to dual employment of  
22 postal employees (U. S. C., Supp. V, title 39, sec. 136).

23 (14) Act of January 22, 1932, section 3, fifth sen-  
24 tence (47 Stat. 5), relative to employees of the Recon-  
25 struction Finance Corporation (U. S. C., title 15, sec. 603).

1 (15) Act of July 1, 1942 (56 Stat. 467, Public Law  
2 642, Seventy-seventh Congress), relative to custodial em-  
3 ployees of the Board of Education of the District of Columbia.

4 (16) Act of June 28, 1944, section 1 (58 Stat. 575),  
5 first paragraph, third proviso, under the heading "Finance  
6 Department, Finance Service, Army", and similar provi-  
7 sions in the Act of July 3, 1945, section 1 (59 Stat. 386),  
8 first paragraph, third proviso, under the heading "Finance  
9 Department, Finance Service, Army", and the Act of July  
10 16, 1946, section 1 (60 Stat. 543), first paragraph, third  
11 proviso, under the heading "Finance Department, Finance  
12 Service, Army", relative to retired military personnel on  
13 duty at the United States Soldiers' Home (U. S. C., Supp.  
14 V, title 5, sec. 59b).

15 (17) Act of August 10, 1946 (60 Stat. 978, Public  
16 Law 718, Seventy-ninth Congress), relative to appoint-  
17 ment of retired officers in the Veterans' Administration.

18 (b) The Act of June 16, 1938 (52 Stat. 752, Public  
19 Law 645, Seventy-fifth Congress; U. S. C., title 28, sec.  
20 569), is amended by striking out "\$3,000 per annum" in  
21 the last line and substituting "\$5,000 per annum".

22 (c) Nothing in this Act, however, shall be construed  
23 to modify or repeal any of the following:

24 (1) Act of August 1, 1941 (55 Stat. 616, Public  
25 Law 202, Seventy-seventh Congress), as amended by the

1 Act of April 7, 1942 (56 Stat. 200, Public Law 517,  
2 Seventy-seventh Congress), and the Act of November 12,  
3 1945 (59 Stat. 584, Public Law 226, Seventy-ninth Con-  
4 gress), relative to receipt of payment for annual leave by  
5 civilian employees who enter the armed forces, and receipt  
6 of compensation in civilian positions by military personnel  
7 on terminal leave from the armed forces (U. S. C., title 5,  
8 Supp. V, secs. 61a, 61a-1, a-f).

9 (2) Naval Reserve Act of June 25, 1938, section 4,  
10 third proviso (52 Stat. 1176), relative to members of the  
11 Naval Reserve receiving pay and allowances from civilian  
12 positions concurrently with pay and allowances under that  
13 Act (U. S. C., title 34, sec. 853b).

14 (3) Public Law 153, Eightieth Congress, approved  
15 July 1, 1947, section 1 (b), relative to concurrent receipt  
16 of civilian pay and pay and allowances under laws relating  
17 to the Officers' Reserve Corps and the Enlisted Reserve  
18 Corps.

19 (4) Public Law 153, Eightieth Congress, approved  
20 July 1, 1947, section 2, relative to concurrent receipt of  
21 civilian pay and pay and allowances under provisions of law  
22 relating to the National Guard.

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